

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN THE MATTER OF:

CASE NO. 25-20705-jrs

BMX TRANSPORT, LLC,

Debtor,

CHAPTER 11

Mitsubishi HC Capital
America, Inc.,

JUDGE JAMES R. SACCA

Movant,

v.

CONTESTED MATTER

BMX TRANSPORT, LLC (Debtor),

Respondent(s).

MOTION TO ENFORCE AGREED ORDER GRANTING ADEQUATE PROTECTION

Mitsubishi HC Capital America, Inc. (“Movant”), by undersigned counsel, files this motion to enforce agreed order granting adequate protection and for other relief, and would show the Court as follows:

1. On June 24, 2025, Movant filed its Motion for Relief from Automatic Stay (“Stay Relief Motion”) [D.E. 70].
2. The Stay Relief Motion was resolved by an Agreed Order Granting Adequate Protection (“Adequate Protection Order”) [D.E. 78] entered by the Court on July 16, 2025.
3. The Adequate Protection Order provides, in relevant part, that the “Debtor shall, on or before July 20, 2025, and on the 20th day of each month thereafter until a chapter 11

- plan is confirmed or this case is dismissed, make adequate protection payments to Movant in the amount of \$1,300 per month ...” Adequate Protection Order, ¶ 1.
4. The Debtor failed to tender the adequate protection payment due on July 20, 2025.
 5. The Debtor also failed to tender the adequate protection payment due on August 20, 2025.
 6. As of the date and time of filing this motion, the delinquent adequate protection payments have yet to be tendered.
 7. The undersigned certifies that he made a good-faith effort to resolve these issues without court intervention before filing this motion.

WHEREFORE, Movant respectfully requests that the Court enter an compelling the Debtor to tender the delinquent adequate protection payments, or, in the alternative, holding the Debtor in contempt for its failure to comply with the Adequate Protection Order and affording such sanctions and/or remedies as may be appropriate, or, in the alternative, granting Movant relief from the automatic stay to exercise its *in rem* rights and remedies against its collateral with a waiver of the fourteen-day stay imposed by Federal Rule of Bankruptcy Procedure 4001(a)(3).

Respectfully submitted,

Mitsubishi HC Capital America, Inc.

By Its Attorneys,
JONES WALKER LLP

/s/ Stephen P. Drobny

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Motion for Relief from Automatic Stay has been served by ECF or first-class mail on this 4th day of September, 2025 to the parties listed below:

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NOTICE OF HEARING

PLEASE TAKE NOTICE that MITSUBISHI HC CAPITAL AMERICA, INC. has filed a Motion to Enforce Agreed Order Granting Adequate Protection (the "Motion") and related papers with the Court seeking an order enforcing the Court's prior adequate protection order, or, in the alternative, holding the debtor in contempt for failing to comply with the prior adequate protection order or, in the alternative, granting Movant relief from stay to pursue its in rem rights and remedies against its collateral.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the **Motion to Enforce Agreed Order Granting Adequate Protection on October 9, 2025, at 10:30 AM, in Room 103 of the U.S. Courthouse, 121 Spring Street, SE, Gainesville, Georgia 30501**, which may be attended in person or via the Court's Virtual Hearing Room. You may join the Virtual Hearing Room through the "Dial-In and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov, or the link on the judge's webpage, which can also be found on the Court's website. Please also review the "Hearing Information" tab on the judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the court

to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including address) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U. S. Bankruptcy Court, Room 120, 121 Spring Street SE, Gainesville, Atlanta, Georgia 30501 You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the Motion cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the Motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated: September 4, 2025

Respectfully submitted,

Mitsubishi HC Capital America, Inc.

By Its Attorneys,
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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September, 2025, I electronically filed the foregoing Motion to Enforce Agreed Order Granting Adequate Protection and Notice of Hearing using the Bankruptcy Court's Electronic Case Filing Program and I further certify that on this day I caused a copy of this document to be served via first class mail, with adequate postage prepaid, on the following parties at the address shown for each.

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